



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, September 11, 2013

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Marietta Fire Department and Marietta Police Department*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20130889      MyMarietta App**

Ronnie Barrett, IT Director and Jeremy Waite, Systems Manager, will give a presentation of version 2 of the MyMarietta mobile app which will allow users to access their utility account with Marietta Power, view up-to-date map data, zoning, parking and parks and recreation facilities information. Also, the mobile device will permit access for citizens to watch all City Council meetings, board meetings and community events on demand.

### PROCLAMATIONS:

#### **20130892      Proclamation - Clean Water Week & Public Power Week**

Proclamation presented to Heidi Isom from the BLW Marketing Department proclaiming September 29-October 5, 2013 as Public Power and Clean Water Week in the City of Marietta.

**20130999 Proclamation - Fire Prevention Week**

Proclaiming the week of October 6-12 as "Prevent Kitchen Fires" week to encourage people of Marietta to participate in fire prevention activities at home, work and school to ensure their safety and minimize the occurrence of fires within the City of Marietta.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****SCHEDULED APPEARANCES:**

**20131012** Dr. Ernest Easley, Sr. Pastor Roswell Baptist Church

**UNSCHEDULED APPEARANCES:****CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:****20130920 Regular Meeting - August 14, 2013**

Review and approval of the August 14, 2013 regular meeting minutes.

**20130921 Special Meeting - August 28, 2013**

Review and approval of the August 28, 2013 special meeting minutes.

**MAYOR'S APPOINTMENTS:****CITY COUNCIL APPOINTMENTS:****ORDINANCES:**

\*      **20130811      Z2013-22 Max Burmeister 1733 Canton Road**

Z2013-22 [REZONING] MAX BURMEISTER requests rezoning for property located in Land Lot 08040, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1733 Canton Road from CRC (Community Retail Commercial) to LI (Light Industrial) and for a Special Land Use Permit to allow an automobile towing and storage facility. Ward 6.

*The Planning Commission recommends approval as stipulated. Vote: 5-0-0*

*Motion: Mr. Vanderslice made a motion, seconded by Mr. Diffley, to recommend approval of the request to rezone the property from CRC to LI, and to approve the Special Land Use Permit for an automobile towing and storage facility with the following stipulations:*

*Stipulations:*

- 1) A variance be granted to allow a 6 foot opaque privacy fence to be erected in the front yard.*
- 2) Since this lot will have wrecked vehicles, the lot must be properly paved and environmental controls must be put in place to treat run-off.*

*PUBLIC HEARING (All parties sworn in.)*

\*      **20130681      Z2013-18 David J. Broel 70 Beavers Street**

Z2013-18 [REZONING] DAVID J. BROEL requests rezoning for property located in Land Lot 12130, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 70 Beavers Street from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

*The Planning Commission recommends approval as stipulated. Vote 4-0-0*

*Motion: Mr. Waters moved to recommend to City Council to approve the rezoning as requested, seconded by Mr. Diffley.*

*Stipulations: N/A*

*PUBLIC HEARING (All parties sworn in.)*

*This item was tabled from the August 14, 2013, City Council meeting.*

**20130733      Z2013-20 Keith Crystal 140 Dodd Street**

Z2013-20 [SPECIAL LAND USE PERMIT] KEITH CRISTAL requests rezoning for property located in Land Lot 12370, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 140 Dodd Street from CRC (Community Retail Commercial) to LI (Light Industrial), with a Special Land Use Permit (SLUP) for an auto storage yard and wrecker service. Ward 7.

Councilman Goldstein disclosed that he is the Manager of Marietta Shopping Center, LLC (and owner) which is a Landlord to Keith Crystal and is a General Partner of Herbert S. Goldstein Family Limited Partnership (and partial owner) which is a Landlord to Keith Crystal.

To Councilman Goldstein's understanding, Keith Crystal is a member and an owner of Your Final Notice, LLC (proposed business at the site) and the applicant. Councilman Goldstein has no financial interest in the property at 140 Dodd Street that is the subject of the rezoning, etc...

*The Planning Commission recommends approval as stipulated. Vote: 4 – 0 – 0*

*Motion: Mr. Diffley made a motion to recommend to city council that this rezoning be approved as submitted, from CRC (Community Retail Commercial) to LI (Light Industrial), and that the SLUP be granted for towing.*

*Stipulations: That only operable vehicles will be placed on this lot and that if inoperable vehicles are placed on the lot, Mr. Crystal will have to pave the lot, properly drain and environmentally treat drainage.*

*PUBLIC HEARING (All parties sworn in.)*

*This item was tabled from the August 14, 2013, City Council meeting.*

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:**

**\*      20130988      Denial of Claim**

Denial of the claim of Jocelyn Guillaume .

**\*      20130997      Denial of Claim**

Denial of the claim of Cobb County.

\*      **20130998      Denial of Claim**

Denial of the claim of National Net, Inc.

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

**2. Finance/Investment: Annette Lewis, Chairperson**

\*      **20130891      Franklin Gateway TAD**

Ordinance approving an Amendment to the Fiscal Year 2014 Budget to allocate former Franklin Gateway TAD funds into a new account for redevelopment expenses.

\*      **20130897      DOJ - 2013 Byrne Grant**

Ordinance approving amendment to the Fiscal Year 2013 General Fund Budget to receive and appropriate a grant from the Department of Justice in the amount of \$37,114 to continue funding the part-time Cyber Specialist position.

\*      **20130902      CSX railroad and Walmart Donations**

Ordinance approving the amendment to the FY2014 General Fund budget to receive and appropriate a donation of \$4,180 from CSX and \$500 from Walmart to purchase a fuming chamber for the police crime lab.

\*      **20130972      National League of Cities (NLC) Annual Meeting**

Motion to approve travel and training for members of Council who wish to attend the National League of Cities (NLC) Annual Congress of Cities in Seattle, Washington, November 13, 2013 - November 16, 2013.

*Council member King opposed.*

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20130896      Detail Plan for Meeting Park**

Motion to approve the Detailed Plan for Meeting Park, including the land plan, landscape plan and architectural renderings, signed by the owner and dated September 11, 2013, in accordance with Section 708.20(J.4) of the Marietta City Code, with the following stipulations. These stipulations shall replace and supersede in full any and all prior stipulations which are currently in place concerning the property.

The approved Detailed Plan shall include the following variances:

1. Variance to reduce the minimum right of way width required for a local, two-lane street from 50 ft. to a minimum of 22 ft.(back of curb to back of curb); with a minimum utilities/access easement of 36 ft. measured from edge of easement to edge of easement . [730.01(L)]
    - a. The access easement will extend to the back of sidewalk and any required public ADA access locations.
    - b. The utility easement will extend 5 feet beyond the location of any utility lines.
  2. Variance to reduce the minimum width of a sidewalk from 5 feet to 4 feet, but will be required to expand to 5 feet at certain locations to meet ADA requirements. [732.07(C)]
  3. Variance to provide street trees only along the public streets as shown on the submitted plans. [712.08]
  4. Variance to allow trees in right of way, as shown on the submitted plans. [712.08(D)]
- (Minor changes to the landscape plan, including location and change of species, may be made only upon approval of the City Arborist.)

In order to ensure that homes built within the Meeting Park development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by John Wieland Homes and approved by the City of Marietta, dated September 11, 2013.
2. Design features, standards, and requirements incorporated in the homes shall be as follows:
  - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
  - b. Window muntins appropriate to the style of the home on all four sides of the residence.
  - c. Shutters deemed appropriate by the architect on front and side elevations (and on the rear elevations where they can be seen from the public streets) of the homes.

- d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.
- e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
- f. In the event of a disagreement as to being four-sided architecture, the City Manager of the City of Marietta, GA shall be the final arbiter of the plan meeting the criteria.

\*      **20130912      Towing on the Square**

Motion to authorize the installation of a sign on public right-of-way at the corner of Anderson Street and 25 Atlanta Street that would let visitors to the Square know that this is not a public lot and that your vehicle may be towed. Further, the sign would be funded by the Downtown Marietta Development Authority (DMDA).

**20131035      Towing Ordinance**

Motion to set the maximum towing fee inside the city limits of Marietta at \$75for vehicles (including all fees) with gross weight of 10,000 pounds or less.

\*      **20130900      Licensing of Temporary Vendors**

Motion to authorize advertising for proposed amendments to Code Section 8-12-26 of the Business License Ordinance (45 days), Transient Vendors and Temporary Businesses.

#### **4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

\*      **20130894      Whitaker Park Funding Request**

Motion to approve funding not to exceed \$11,800 from the 2009 Park Bond Fund - specifically the line for Whitaker Park in Category B, Improvements to Existing Parks and Facilities - to make improvements to the Whitaker Park Playground.

\*      **20130923      Street Trees**

Motion to move forward with the design for street tree planting on Mill Street, Whitlock Avenue, Powder Springs Street and Atlanta Street and implementation as funding is approved.

#### **5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson**

\*      **20130880      Reorganization of the IT/GIS Department**

Approval of an Ordinance amending the City of Marietta and Board of Lights and Water position allocations chart and position classification and compensation plans for the 2014 fiscal year.

\*      **20130899      Marietta Development Authority**

Appointment of Sterling G. Wharton to the Marietta Development Authority (Post 3) for a term of four (4) years expiring September 11, 2017.

*Council member Goldstein disclosed that Sterling G. Wharton is one of his tenants.*

\*      **20130881      Group Health Plan Administration**

Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2014. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Jim King, Chairperson**

\*      **20130885      Select Luxury Cars**

Motion to allow the installation of a wall along New Hope Road, with the execution of an Indemnification Agreement and Permanent Access Easement, subject to the approval of the City Manager and City Attorney, before the issuance of a building permit.

\*      **20130886      124 Powers Ferry Road**

Motion to deny a request to install stamped concrete within right of way across property fronting 124 Powers Ferry Road.

\*      **20130887      CSX Construction Agreement**

Motion to approve a Construction Agreement with CSX Transportation for construction of the South Marietta Parkway and Atlanta Street intersection improvement project.



\*      **20130888      Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for Zayo Communications to over lash existing cable on Allgood Road.

This motion does not grant a perpetual variance. Zayo Communications must relocate underground at their expense if other utilities at the location are moved underground.

\*      **20130901      County Transportation Plan (CTP) Update - Stakeholder Committee Appointments**

Appointment of Johnny Sinclair to represent the city as a stakeholder committee member for the County Transportation Plan (CTP) Update Meeting.

\*      **20130924      Whitlock Drive - Striping**

Motion directing Public Works not to replace the center stripe along Whitlock Drive as part of the current resurfacing project.

\*      **20130765      Speed Table Ordinance**

Approval of revisions to the Speed Table Ordinance.

*Council Member Goldstein opposed.*

**APPEARANCES:**

**OTHER BUSINESS:**

**20131023      Speed Hump Policy**

Motion authorizing the Public Works Department to process any application received by the Public Works Department for speed humps on a residential street which application was officially commenced or received by the Public Works Department on or before July 10, 2013. The Public Works Department is directed to authorize and complete the application process and to restart any such application by calculating the remaining days to be applied to such application using the date of July 10, 2013. Any such application recommenced based upon this motion shall be processed and governed by the Speed Hump Policy in effect within the City of Marietta as of September 9, 2011 and subject to the final consideration of the Mayor and Council. Added at the request of Mayor Tumlin.

\*      **20130849      Amendment to Rules of Procedure of Council 1-4-040-D**

Motion approving an amendment to the Rules of Procedure of Council 1-4-040-D to delete item 16 Appearances and renumber the other items.

\*      **20130865      Council Gatherings**

Motion to amend code section 1-4-040 Rules and Procedures of Council, (W. Council Gatherings) to read as follows

w. Council Gatherings. The city manager is hereby directed to post notices in conformity with the Georgia Open Meetings law regarding informal gatherings following council events from time to time as needed. ~~following city council meetings whereby a quorum of the mayor and city council may gather for a meal. Such notice shall state that the purpose of the gathering is for informal discussion and socializing. No voting may occur at any such gathering and no official action may be taken at any such gathering. The city council person designated for the invocation for the specific month shall designate a restaurant within the city limits of the City of Marietta and, in default thereof, the city manager shall designate the Marietta Diner located at 306 Cobb Parkway South, Marietta, Georgia. In addition, at the committee of the whole meeting prior to the regular monthly city council meeting, a majority of the city council shall be authorized to designate a different restaurant and in such case that will be the location posted.~~

*Council Member Goldstein opposed.*

\*      **20131009      Acceptance of HEAT Grant**

Approval of an Ordinance amending the Fiscal Year 2014 budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.

\*      **20130981      Signage payment from Life University**

Approval of an ordinance amending the FY2014 General Fund budget to receive and appropriate \$35,666 for decorative signing on Barclay Circle at Life U

**20130978      Traffic Calming Requests**

Motion authorizing selected streets in attached list to reduce speed limit to 25 mph.

**20130728      Lee's Trace Speed Tables**

Motion to approve installation of three speed tables along Lee's Trace near A.L. Burruss Elementary conforming to the heights specified in Legistar ID 20130765. Further, authorizing one radar speed sign on Lee's Trace at each of the two locations nearest to Trailwood Drive used during the recent speed table balloting process.

**20131031      Maple Avenue Speed Signs**

Motion to install two radar speed signs on Maple Avenue in the vicinity of West Side Elementary School.

**20131033      Amendment to Ordinance #6808 (20050485) Meeting Park Development**

Ordinance to amend prior ordinance #6808 (20050485) that rezoned property on Roswell Street, Waterman Street, Waddell Street, Wayland Street and Green Street. The description of the property, originally incorrect due to a scrivener's error, is being corrected with this ordinance.

**\*      20131030      24 Alexander Street, 25 Alexander Street and 274 Washington Avenue**

Motion approving the modification of Motion 20130877 dated August 14, 2013 to add the following stipulation:

The duration of the easement will be good for 24 months from closing or completion of the project, whichever occurs first.

**20131036      357 Allgood Road**

Motion to approve property purchase of 357 Allgood Road per the executed contract.

**\*      20130922      BLW Actions of the September 9, 2013**

Review and approval of the September 9, 2013 actions and minutes of the Marietta Board of Lights and Water.

**UNSCHEDULED APPEARANCES:****ADJOURNMENT:**